

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LYRIC LEEYN CLINE, SR.,

Plaintiff,

v.

MONTANA ARCEO, *et al.*,

Defendants.

Case No. C24-5309-TL-MLP

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Michelle L. Peterson, United States Magistrate Judge:

The Court is in receipt of a request from Plaintiff that the complaint he filed in this prisoner civil rights action be withdrawn or, in the alternative, that the Court “pause” this case until he is at a place where he has access to a law library. (Dkt. # 15.) Plaintiff explains that the facility where he is currently confined, the Kitsap County Jail, does not afford him enough access to a law library for him to represent himself in this matter. (*Id.*)

The Court observes that one option Plaintiff has not pursued is seeking appointment of counsel to represent him in this action. While there is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983, the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to

1 represent a party proceeding *in forma pauperis* but may do so only in exceptional circumstances.  
2 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221,  
3 1236 (9th Cir. 1984). A finding of exceptional circumstances requires an evaluation of both the  
4 likelihood of success on the merits and the ability of the Plaintiff to articulate his claims *pro se* in  
5 light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

6 If Plaintiff is interested in obtaining counsel and believes he can satisfy the standard set  
7 forth above, he is invited to file a motion for appointment of counsel before the Court rules on  
8 his request to withdraw his complaint. If Plaintiff elects to file such a motion, he must clearly  
9 describe therein the exceptional circumstances that he believes support his request for counsel.  
10 Any motion for appointment of counsel must be filed not later than ***October 10, 2024***. If Plaintiff  
11 does not file a motion for counsel by that date, the Court will proceed to rule on his motion to  
12 withdraw his complaint. Plaintiff's motion to withdraw his complaint (dkt. # 15) is RE-NOTED  
13 on the Court's calendar for consideration on ***October 10, 2024***.

14 The Clerk is directed to send copies of this Minute Order to Plaintiff, to counsel for  
15 Defendants, and to the Honorable Tana Lin.

16 DATED this 9th day of September, 2024.

17 RAVI SUBRAMANIAN, Clerk

18  
19 By Tim Farrell  
Deputy Clerk